

**EXPRESS ABANDONMENT UNDER
37 CFR 1.138**

File the petition electronically using EFS-Web
Or Mail the petition to:
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/065278
Filing Date	September 30, 2002
First Named Inventor	Jeffrey C. Leung
Art Unit	3773
Examiner Name	Darwin P. Erez
Attorney Docket Number	2284.40534

Please **check only one** of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as if box 1 is checked.)

1. ☒ **Express Abandonment**

I request that the above-identified application be expressly abandoned as of the filing date of this paper. Applicants respectfully disagree with the Examiner's position as set forth in the final Office Action of January 14, 2010, as supplemented in the Advisory Action of June 7, 2010. For example, Applicants disagree with the Examiner's characterization of Applicants' arguments. Applicants did not state that In re Aller represents caselaw that is not appropriate to apply to mechanical cases. Rather, Applicants pointed out that In re Aller addressed a chemical invention, and that the facts underlying the decision in In re Aller were so very different from the facts of the present (mechanical) invention, that the holding of In re Aller does not provide a good basis to guide a patentability analysis of the present claims. Nevertheless, Applicants are not going to pursue the present application at this time, which application is hereby expressly abandoned without prejudice to future prosecution of the claimed subject matter in a related application.

2. ☐ **Express Abandonment in Favor of a Continuing Application**

I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, USE FORM PTO/SB/24A INSTEAD OF THIS FORM.

TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE (IF ELIGIBLE), USE FORM PTO/SB/24B INSTEAD OF THIS FORM

I am the: ☐ applicant.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record. Attorney or agent registration number is **37,414**

☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application (box 2 above must be checked). Attorney or agent registration number is

/David W. Parker/

Signature

David W. Parker

Typed or printed name

July 14, 2010

Date

(425) 831-3090

Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representatives(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of ___ forms are submitted.

SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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